REMARKS

Claims 1-12 and 20 were previously canceled. Claims 12-19, and 21-26 remain in this application.

CLAIM REJECTIONS UNDER 35 USC § 102(b)

Applicants respectfully traverse the Examiner's rejection of claims 12-19, 21, 23, 25 and 26 as being anticipated by Weiss et al (U.S. Pat. No. 5,727,791, referred to hereafter as "Weiss"). For at least the following reasons, Applicants believe the rejection should be withdrawing and the claims allowed.

Claim 12 recites a cylinder head gasket including, among other things, a distance layer having at least one recessed region extending into one side of the distance layer less than completely therethrough to a seal engaging bottom surface. The recessed region in the distance layer has a boundary region extending from the one side of the distance layer to the seal engaging bottom surface and completely surrounding the bottom surface. The recessed region receives a portion of a seal element in engagement with the seal engaging bottom surface, wherein the portion of the seal element is spaced from at least a portion of the boundary region to provide a void space between the seal element and the boundary region.

In contrast, and contrary to the Examiner's view of Weiss, the gasket construction in Weiss does not include the distance layer as claimed by Applicants, having at least one recessed region extending less than completely therethrough to a seal engaging bottom surface with a boundary region extending from the one side of the distance layer to the seal engaging bottom surface and completely surrounding the bottom surface. Nor does Weiss provide a recessed region as claimed by Applicants, that receives a portion of the seal element in engagement with the seal engaging bottom surface, wherein the portion of the seal element is spaced from at least a portion of the boundary region to provide a void space between the seal element and the boundary region.

Rather, Weiss provides a gasket having multiple layers 1', 1'", which the Examiner has designated as corresponding to Applicants' claimed functional layer; a seal element 12; and a cover layer 5, which the Examiner has designated as corresponding to Applicants' claimed distance layer. The Examiner has further designated reference

numerals 3, 7 as corresponding to Applicants recessed region. However, Applicants note that reference numerals 3, 7 identify a reservoir and duct, respectively, which are formed in the layer 1''' (see Col. 4, lines 9-12). As noted above, the Examiner has identified reference numeral 1''' as the functional layer and not the distance layer. Applicants further note that Figure 5 identifies the general shape of one embodiment of the layer 1''', showing an enlarged reservoir 3, which extends completely through the layer 1''', arranged in communication with the ducts 7, which also extend completely through the layer 1'''. The enlarged reservoirs 3 accommodate a relatively large volume of paste-like sealant mass, such that uniform distribution of the plastic sealant mass through the ducts 7 to the corresponding seal gaps to be sealed in ensured (Col. 4, lines 57-65). Applicants further note that the raised portion or bead shown in the layer 5 of Weiss does not correspond to the recessed portion of Applicants claimed distance layer. This is evidenced by the discussion in Col. 4, lines 15-24 of Weiss, wherein it is stated that the beads ensure, during assembly, that pressure is exerted on the plastic sealant mass housed in the reservoir (of layer 1''') is pressed through the narrow opening 2 into the seal gap. Accordingly, upon assembly, the raised portion is flattened by the cylinder head, and thus, there is no remaining recessed portion as claimed by Applicant, among other things.

Accordingly, Applicants believe claim 12 to define patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 13-17 is ultimately dependant upon amended claim 12, and thus, is believed to define patent subject matter for at least the same reasons. Such action is respectfully requested.

Claim 18, which is dependent upon claim 12, recites the seal element as being partially supported on the one side of the distance layer surrounding the recessed region.

In contrast to the Examiner's interpretation, Applicants note that the seal material in Weiss initially fills the concave portion of the raised bead formed in layer 5, wherein the raised portion is subsequently flattened upon clamping the cylinder head thereon to press the seal material from the reservoir 3 through the ducts 7 of the layer 1''' depicted in Figure 5. No in Weiss where can Applicants find any support or disclosure for a seal element being partially supported on a side of a distance layer surrounding a recessed region formed in the distance layer.

Accordingly, Applicants believe claim 18 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claim 19, which is dependant upon amended claim 12, recites the seal element as being arranged in the recessed region without contacting an entire boundary region of the recessed region, and with the seal element being supported by a bottom surface of the recessed region.

The Examiner states that the seal element in Weiss is arranged in a recessed region without contacting boundary regions (e.g. end of 7 furthest from 3). There is no support for this conclusion. Contrary to this interpretation, Applicants believe, as discussed above, the recessed portion or bead, aside from not meeting the claimed limitations of Applicants' recess region, is completely filled with sealant material wherein the raised portion is subsequently flattened upon clamping the cylinder head thereon to press the seal material from the reservoir 3 through the ducts 7 of the layer 1''' depicted in Figure 5.

Accordingly, Applicants believe claim 19 to recite patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 21 and 23, aside from their additionally recited features not being disclosed or suggested by Weiss, are ultimately dependant upon claim 12, and thus, are believed to define patent subject matter for at least the same reasons. Such action is respectfully requested. Further, Applicants believe the Examiner's conclusion that the sealant material in Weiss does not fill the opening 2 at regions 7 is without support.

Claim 25 has been amended to further clarify patentable subject matter, wherein the recessed region remains recessed and receives a portion of the seal element therein upon the components being compressed together. As noted above, the raised bead in Weiss is flattened upon clamping the cylinder head thereon to press the seal material from the reservoir 3 through the ducts 7 of the layer 1''' depicted in Figure 5.

Accordingly, Applicants believe amended claim 25 to recite patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claim 26 is ultimately dependant upon amended claim 25, and thus, aside from reciting further features not disclosed or suggested by Weiss, is believed to define patent subject matter for at least the same reasons. Such action is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC § 103

Applicants respectfully traverse the Examiner's rejection of claim 22 as being unpatentable over Weiss in view of Kubouchi et al (US Pat. No. 5, 544, 901, referred to hereafter as "Kubouchi"). For at least the following reasons, Applicants believe the rejection should be withdrawing and the claim allowed.

Claim 22, aside from being dependant upon base claim 12, recites the seal element as comprising at least one silicone worm introduced in the recessed region. Applicants believe the introduction of a silicon worm seal into the gasket structure of Weiss would fail given the need for the seal material in Weiss to flow thoughout the ducts 7, the opening 2 and into the seal gaps. As such, Applicants believe the combination of Weiss with Kubouchi to be improper.

Accordingly, claim 22 is believed to define patent subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claim 24 is dependant upon claim 12, and thus, is believed to define patent subject matter for at least the same reasons. Such action is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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